

DETAILED ACTION

This Response responds to the Office Communication dated May 27, 2010. Applicant respectfully requests reconsideration of this application in view of the following remarks.

Claims 1, 14, and 21 are independent. Claims 1-25 are currently pending in the case. Further examination and reconsideration of the instant application is respectfully requested, as Applicant asserts that the failure to address all of the claim recitations of claim 1, 14 and 21 deems the finality of this Office Action improper.

Claim Rejections – 35 USC § 103

The Examiner rejected claims 1-25 under 35 USC § 103(a) as being unpatentable over Davies (U.S. 2002/0059407) in view of Herrmann (U.S. 2001/0032259) and further in view of Motoyama (U.S. 2004/0049552). In short, Applicant asserts that the previously amended subject of independent claims 1, 14 and 21 has not been addressed by the newly added reference Motoyama. Contrary to the Examiner's interpretation of Motoyama, certain claim recitations have been overlooked in their entirety. Applicant submits that the finality of this Office Action is improper and must be withdrawn for failing to address all of the claims recitations of independent claims 1, 14 and 21.

The Examiner admitted certain deficiencies of Davies and Hermann with respect to claim 1 (see page 3, line 16 onward of the Office Action dated May 27, 2010). Applicant agrees that Davies and Hermann are deficient with respect to various features recited in claims 1, 14 and 21. However, Applicant disagrees that Motoyama provides support for those features needed to address all of the claim recitations of claims 1, 14 and 21.

Motoyama is directed to a remote diagnostic network configuration that monitors the activities of various network devices, such as, usage, status, capabilities, etc. The information obtained may be sent in the form of a report or summary to a network administrator via email. The Examiner relied on paragraphs [0012], [0013], [0063], [0081], [0082] and [0089] of Motoyama for support. Applicant submits that Motoyama fails to disclose or suggest "assessing a priority of the local resource properties...generating a learning event report comprising the value and a priority test of the learning event of at least one of the one or more local resource

properties...wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report”, as recited in claim 1.

Paragraphs [0012] and [0013] of Motoyama disclose a method of determining problems with network devices, and transmitting messages to a resource manager in an effort to document and seek assistance with resolving the problems. For example, line 5 of paragraph [0013] discloses the network resource may send a status message to the resource manager when urgent service is needed. The network resource may be a network device, printer, copier, etc. The information sent may include usage, paper jams, toner, energy usage, functionality, usage frequency, etc. Applicant submits that paragraphs [0012] and [0013] do not disclose any priority assessment or priority test being performed at all. Nothing is disclosed which provides support for a frequency of uploading the learning report, and, where the frequency of uploading is based on a priority.

Turning to paragraph [0063] of Motoyama, there is no support for any priority being assessed or a frequency of uploading a learning event being determined based on a priority of a learning event. Motoyama discloses that FIG. 5 includes a network where data 256 is used to document history, performance and malfunctions of device operation, failure, or setup. A service machine 254 may request remote control or diagnostic tests be performed on monitored devices. As for any uploading frequency of learning event reports, Motoyama is silent. No frequency of learning event reports is considered or based on any priority whatsoever.

As for paragraphs [0081] and [0082] of Motoyama, there is no subject matter outside the scope of what was discussed with regard to paragraphs [0012] and [0013]. For example, summary information may be sent periodically based on predetermined intervals, such as, monthly, weekly, etc. Frequency of sending summary reports is not a function of priority, or, a priority that is based on a learning event. Further, priority is not assessed based on local resource properties. Motoyama classifies urgent and non-urgent messages as reports that are predetermined based on one or more categories, such as, urgent = copy machine malfunction, printer malfunction, lack of power, and, non-urgent = usage reports and other administrative information.

There is simply no suggestion or evidence that such classification of messages is tied to a frequency of uploading a report being based on a priority, and, that such a priority is based on a

learning event. Motoyama discloses that such messages are sent regardless, and the urgent/non-urgent status is nothing more than a label associated with the message.

Paragraph [0089] discloses that,

“Any type of high priority event for which immediate attention is needed or which the remote monitoring device would be interested in on an expedited basis is sent in a connection-mode of communication. This may be used when a hazardous connection exists within the machine or when something in the machine needs immediate attention. For example, if a thermistor in the fuser unit senses a high and unsafe temperature, a direct connection mode may be used. However, the transmission of a weekly or monthly report indicating the usage and a normal condition state in the machine can use the slower e-mail-mode of communication.”

Applicant submits that the mere upgrading of the transmission service used to communicate a high priority event (from regular e-mail to “connection-mode” communication) is not comparable to “assessing a priority of the local resource properties...generating a learning event report comprising the value and a priority test of the learning event of at least one of the one or more local resource properties...wherein a frequency of uploading the learning event report is determined based on a priority of a learning event associated with the learning event report”, as recited in claim 1 and similarly recited in claims 14 and 21. Motoyama discloses sending network equipment status messages according to predetermined time intervals. The priority and frequency of uploading learning event reports is beyond the scope of Motoyama.

Accordingly, all of the claim recitations of claims 1, 14 and 21 have not been addressed. By virtue of dependency claims 2-13, 15-20 and 22-25 are also allowable over the combination of Davies, Hermann and Motyama. Withdrawal of the final rejection and an allowance of claims 1-25 is kindly requested.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at any time.

Respectfully submitted,

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